

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHAWN JUSKAVITCH,)	IN ADMIRALTY AND AT LAW
)	
Plaintiff,)	No. 2:17 CV-00979
)	
v.)	
)	
THE FISHING COMPANY OF ALASKA,)	SEAMAN'S COMPLAINT IN REM
INC.; AK VICTORY, INC., and F/V)	AND IN PERSONAM FOR
ALASKA VICTORY, Official Number)	DAMAGES, FOR PERSONAL
569752, her engines, machinery,)	INJURIES, WAGES, CLAIM FOR
appurtenances and cargo, in rem,)	MAINTENANCE AND CURE—ALL
)	WITHOUT PAYMENT OF COSTS, 28
Defendants.)	USC § 1916

COMES NOW the plaintiff, above-named, by and through his attorney of record, and for cause of action against the defendants, complaints, states and alleges as follows:

1. Plaintiff, Shawn Juskavitch brings and maintains this action pursuant to 28 U.S.C. § 1333, the Jones Act (46 U.S.C. § 688), U.S. Const. Art. III, sec.2, and the general maritime law.
2. Plaintiff currently resides in Pierce County. Defendant The Fishing Company of Alaska, Inc.(Hereafter referred to as FCA), has a principle place of business in King County, Western District of Washington.
3. Plaintiff is a seaman and a ward of this Court and elects to take advantage of the provisions of 28 U.S.C. § 1916 to proceed without prepayment of costs or fees.

1 4. Defendant herein, FCA, is a corporation existing under and by virtue of the laws of the
2 state of Washington, and at all times mentioned was acting by and through its officers, agents,
3 servants, employees and representatives and has principle place of business or was doing
4 business in the Western District of Washington.

5 5. On information and belief, FCA is the employer of plaintiff during his service aboard the
6 Alaska Victory.

7 6. On information and belief, AK Victory, Inc., is the owner of the Alaska Victory.

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9 7. Defendant herein, AK Victory, Inc., is a corporation existing under and by virtue of the
10 laws of the state of Washington, and at all times mentioned was acting by and through its
11 officers, agents, servants, employees and representatives and has principle place of business or
12 was doing business in the Western District of Washington.

13 8. The F/V Alaska Victory is a 205 foot fishing vessel of 1215 gross tons, documented by
14 the United States, official number 569752. Said vessel has its home port in the Western District
15 of Washington, or will be found in the Western District of Washington during the pendency of
16 this action. During all times herein mentioned said vessel was owned or bareboat chartered by
17 the defendant, and was engaged in maritime commerce.

18 9. At all times mentioned, plaintiff was employed by Defendant FCA as a member of the
19 crew, in the service of said vessel and was at all times acting in the course and scope of his duties
20 as a cook in furtherance of the mission of said vessel.

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22 10. On or about August 9, 2014, while said vessel was in navigable waters, plaintiff was
23 loading cases of food into the bow freezer and heard a "pop" in his low back and sustained
24 injury.
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1 11. Said injuries, disabilities, and damages were directly and proximately caused by the
2 unseaworthiness of the vessel; the negligence, in whole or in part, of the defendants and their
3 agents, servants and employees; and the failure of the defendants to provide a reasonably safe
4 place to work, in one or more of the following ways: failing to provide mechanical assistance,
5 failing to provide assistance, negligent orders, insufficient workers to complete the assigned
6 tasks, and failing to provide a safe place to work.

7 12. As a direct and proximate result of the foregoing, plaintiff was caused to and did incur
8 reasonable charges for medical care and attention.

9 13. Plaintiff has been unable to engage in his normal and usual occupation since this incident.

10 14. As of the date of this Complaint, Plaintiff continues to receive maintenance and his
11 injuries are unresolved. Plaintiff reserves the right to pursue further through this case, in the
12 event maintenance and cure is stopped absent agreement.

13 15. The plaintiff hereby waives the physician-patient privilege to the extent required by RCW
14 5.60.060, as limited by the plaintiff's constitutional rights of privacy, contractual rights of privacy,
15 and the ethical obligations of physicians and attorneys not to engage in ex parte contact between a
16 treating physician and the patient's legal adversaries.

17 WHEREFORE, the plaintiff prays for judgment against the defendants as follows:
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- 19 1. For a declaration that the plaintiff holds claim to a preferred maritime lien against the
20 defendant vessel, her engines, machinery, appurtenances and cargo;
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22 2. For arrest, condemnation and sale of the defendant vessel including her engines,
23 machinery, appurtenances and cargo; for general damages as are reasonable and fair;
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25 3. For special damages in an amount to be proven at the time of trial;
4. For wage loss in an amount to be proven at the time of trial;

- 1 5. For general damages in an amount to be proven at the time of trial;
- 2 6. For maintenance and cure and for consequential damages and attorney fees for failure to
- 3 pay the same, if applicable;
- 4 7. For earned and unearned wages and double wage penalties;
- 5 8. For pre-judgment interest on all claims as in the law provided;
- 6 9. For costs of suit and reasonable attorney fees;
- 7 10. For free leave of Court to amend this complaint;
- 8 11. For such other and further relief, including punitive damages, as is met and just under the
- 9 circumstances.

10 DATED THIS 29 day of June 2017.

13 PHILLIPS LAW FIRM

14 

15 Derek P. Radtke, WSBA#27277
16 Attorney for Plaintiff